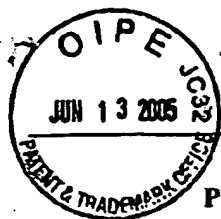


DA 7/1



PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Applicant : Lee Dante
Appl. No. : 09/672,843
Filed : September 28, 2000
For : METHOD FOR TREATING
EMOTIONAL OR MENTAL
ILLNESS AND EMOTIONAL OR
MENTAL ILLNESS
CONCOMITANT WITH
SEIZURES
Examiner : Weddington, Kevin B.
Group Art Unit : 1614

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all
marked attachments are being deposited with
the United States Postal Service as first-class
mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on

June 7, 2005

(Date)

Ned A. Israelsen, Reg. No. 29,655

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Mail Stop DAC

The above-identified application was erroneously declared abandoned for failure to timely file a proper reply to the Office letter mailed on September 7, 2004. The Office letter mailed on September 7, 2004 does not request a reply from the Applicant, and sets no date for reply to the letter.

The Office letter mailed on September 7, 2004 is a PETITION DECISION granting a previous petition requesting withdrawal of abandonment filed June 30, 2004 by Applicant. The previous petition was based on timely filing of a reply in response to an Office Action dated November 8, 2002. In the Office letter mailed on September 7, 2004, the PTO states that the timely reply previously filed by Applicant was located and placed in the file, and that the previous Notice of Abandonment was in error. The Office letter states that the previous petition is Granted, and that the application will be forwarded to the examiner for further action. No response to the September 7, 2004 is requested by the PTO.

A Notice of Abandonment and Interview Summary was mailed on May 5, 2005 to John Nagle, the previous attorney of record. The Interview Summary states that:

06/14/2005 SSITHIB1 00000106 09672843
01 FC:2453 750.00 OP
Adjustment date: 09/08/2005 AKELLEY
06/14/2005 SSITHIB1 00000106 09672843
01 FC:2453 750.00 OP
Repln. Ref: 09/08/2005 AKELLEY 0008512000
DAH:111410 Name/Number:09672843
FC: 9204 \$750.00 CR

the attorney of record, Mr. John Nagle, was called on April 27, 2005, to inquire about filing a response to the Ex Parte Quayle file November 8, 2002, and the petition filed September 7, 2004. As of May 1, 2005, no reply from Mr. Nagle was received, therefore, the present application is now abandoned.

The Notice of Abandonment states that the application is abandoned in view of Applicant's failure to timely file a proper reply to the Office letter mailed on September 7, 2004.

Applicant's current attorney of record received the Notice of Abandonment May 7, 2005.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

(X) Small entity - fee \$750

The present application qualifies for small entity status under 37 C.F.R. § 1.27.

2. Proposed response and/or fee

- a. No response was requested in the Office letter of September 7, 2004, a copy of which is enclosed. The Interview Summary mailed May 5, 2005, indicates that the Examiner attempted to contact Mr. Nagle, the previous attorney of record requesting a response to the Office Action file November 8, 2002. The undersigned became attorney of record on June 30, 2004 well before May 5, 2005. A copy of the response to the November 8, 2002 Office action filed December 27, 2002 and stamped "Received" by the Patent Office was included with Applicant's petition filed June 30, 2004. The Office letter dated September 7, 2004 indicates that the response filed December 27, 2002 was placed in the file. Therefore, the response requested by the Examiner is already of record. If this is in any way insufficient or inadequate, the Examiner is requested to contact the undersigned so that the situation can be corrected.

3. Terminal disclaimer fee

(X) Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

4. The entire delay in filing a petition to revive the application from the mailing of the Notice of Abandonment on May 5, 2005 until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Applicant respectfully requests refund of the enclosed Petition Fee, as this second Petition for Revival was necessitated by the Patent Office's entering a second erroneous Notice of Abandonment.

- (X) A copy of the REVOCATION AND POWER OF ATTORNEY submitted with the petition filed June 30, 2004, appointing the registrants of Knobbe, Martens, Olson & Bear, LLP, Customer No. 20,995, as Applicant's attorney of record is enclosed.
- (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.
- (X) Return prepaid postcard.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6-7-05

By: 

Ned A. Israelsen
Registration No. 29,655
Attorney of Record
Customer No. 20,995
(619) 235-8550

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